

LOUISIANA BOARD OF ETHICS

**LaSalle Building
First Floor - LaBelle Room**

**617 North 3rd Street
Baton Rouge, Louisiana**

**March 19, 2010
9:00 a.m.**

GENERAL

Regular Business

G38. Approval of the minutes from the Louisiana Board of Ethics February 18-19, 2010 meeting.

G39. Docket No. 09-250

Consideration of a staff memorandum to dismiss charges against Legislative Lobbyist who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008

G40. Docket No. 09-256

Consideration of a staff memorandum to dismiss charges against Executive Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

G41. Docket No. 10-078

Consideration of a request for an advisory opinion in connection with Representative Nancy Landry's fund-raising efforts on behalf of candidates during a regular legislative session.

G42. Docket No. 10-107

Consideration of a request for an advisory opinion in connection with an employee of Horseshoe Casino & Hotel, Geno Iafrate, Sr., being appointed to the Greater Bossier Economic Development Foundation Board.

G43. WAIVER REQUESTS - LOBBYING**Docket No. 10-082**

Consideration of a request that the Board waive the \$250, \$250, \$50, and \$50 late fees assessed against Patrick McEvoy, for failure to timely file a Legislative and Executive ER-08/09 and ER-11/09 lobbying reports.

Docket No. 10-120

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Shree Medlock, for failure to timely file a Legislative and Executive ER-11/09 lobbying reports.

Docket No. 10-167

Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Ron Lospennato, for failure to timely file his Legislative and Executive ER-12/09 lobbying reports.

Docket No. 10-199

Consideration of a request that the Board waive the \$500 late fee assessed against Jesse Barr, for failure to timely file a Legislative ER2 lobbying report.

G44. WAIVER REQUESTS - PERSONAL FINANCIAL DISCLOSURE**Docket No. 10-163**

Consideration of a request to waive a \$1,250 late fee assessed against Wardell R. Bourgeois for filing his amended personal financial disclosure statement 25 days late.

- G45.** Consideration an amendment to the proposed rule concerning the food and drink limit in R.S. 42:1115.1.

- G46.** Consideration of the U.S. Supreme Court decision in Citizens United v. Federal Election Commission.

LOUISIANA BOARD OF ETHICS
MINUTES
February 19, 2010

The Board of Ethics met on February 19, 2010 at 9:08 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bareikis, Boyer, Hymel, Ingrassia, Lowrey, Monroe, Schneider, Simoneaux and Stafford present. Absent were Board Members Bowman and Frazier. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Aneatra Boykin, Michael Dupree, Deidra Godfrey, Courtney Jackson and Tracy Meyer.

Ms. Cynthia Cade, the successful candidate for Orleans Parish School Board in the September 18, 2004 and October 4, 2008 elections, and her attorney, Mr. Philip Costa, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in connection with a request for rehearing in Docket No. 08-934 regarding Board Orders ordering the payment of late fines totaling \$10,800 and regarding a hearing to obtain Orders for late fees totaling \$2,220 assessed against Ms. Cade for her failure to timely file campaign finance disclosure reports. After hearing from Ms. Cade and Mr. Acosta, on motion made, seconded and passed by a vote of 6 yeas by Board Members Bareikis, Hymel, Ingrassia, Lowrey, Simoneaux and Stafford and 2 nays by Board Members Boyer and Monroe, the Board imposed the late fees totaling \$13,020 but suspended \$12,020 conditioned upon future compliance with the Campaign Finance Disclosure Act. Board Member Schneider recused himself. Ms. Ardoin advised the Board and Ms. Cade that she is still responsible for payment of the \$440 in court costs. Board Member Schneider recused himself.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board

called the public hearing in Docket No. 09-1007 to obtain Orders against the following candidates for failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the hearing regarding Brent Callais and Maurice Tynes, since the late fees had been paid.

On motion made, seconded and unanimously passed, the Board continued the hearing regarding John Nicholson, since proper service had not been obtained.

The Board called the public hearing regarding Yvonne Dupaty-Zeigler. Ms. Dupaty-Zeigler was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Ms. Dupaty-Zeigler to pay the \$600 late fee of which \$400 is to be suspended conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board called the public hearing in Docket No. 10-005 to obtain Orders against Darrel Flanel for his failure to pay the \$250 late fee assessed for the late filing of his Executive Lobbyist Expenditure Report. On motion made, seconded and unanimously passed, the Boar continued the hearing regarding Darrel Flanel, since proper service had not been obtained.

The Board considered a request to withdraw the request for an advisory opinion in Docket No. 09-674 regarding the accounting firm of Aparicio, Walker & Seeling Risk Managment, LLC (AWS-RM) providing risk management services for Jefferson Parish. On motion made, seconded and unanimously passed, the Board granted the request to withdraw the request for an advisory opinion, since a contract was entered into between Jefferson Parish and Aparicio, Walker & Seeling Managment, LLC on October 12, 2009 rendering the request for an advisory opinion moot.

Mr. Harold Temple, an Administrative Program Specialist C employed in the Shoreline

Management Department by the Sabine River Authority, and his attorney, Mr. Ron Thompson, appeared before the Board in connection with a request for reconsideration of an advisory opinion in Docket No. 09-710 regarding whether Mr. Temple may enter into a water withdrawal contract and dredging permit with the Sabine River Authority. After hearing from Mr. Temple and Mr. Thompson, on motion made, seconded and unanimously passed, the Board deferred the issue regarding the dredging permit but concluded that Section 1113 of the Code of Governmental Ethics prohibits Mr. Temple from submitting an application for and obtaining a dredging permit from the Sabine River Authority Shoreline Department while he is an employee of that department, since the dredging permit is under the supervision and jurisdiction of the Shoreline Department.

Chairman Simoneaux vacated the Chair and Board Member Boyer assumed the Chair.

The Board considered a request to reconsider the Board's decision in Docket No. 09-859 to decline to waive the \$1,500 late fee assessed against Robert Bermudez for filing his annual personal financial disclosure statement thirty-one (31) days late. On motion made, seconded and unanimously passed, the Board waived the late fee, since the only item missing from his report, which rendered it incomplete, was the name of the board/commission on which he serves and since Mr. Bermudez was out of the country for three (3) weeks and was unable to respond to the Notice of Delinquency in a timely fashion.

Mr. Cranford L. Jordan, Jr., who opposed a sales tax proposition in the October 17, 2009 election, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 09-1004 in connection with a request for reconsideration of the Board's decision to decline to waive the \$400 late fee assessed against him for filing the 30-P report thirty-two (32) days late. After hearing from Mr. Jordan, on motion made, seconded and

unanimously passed, the Board waived the late fee.

Chairman Simoneaux resumed the Chair.

Mr. Randy McKee, attorney for the Regional Transit Authority Board of Commissioners, appeared before the Board in Docket No. 09-1051 in connection with a request for reconsideration of the Board's decision to decline to waive the \$1,500 late fees assessed against Commissioners Jean Celestine and Earline Roth each for filing their amended personal financial disclosure statements fifty-six (56) days late. After hearing from Mr. McKee, on motion made, seconded and unanimously passed, the Board waived the late fees.

Ms. Cecilia Giannobile, who opposed a sales tax proposition in the November 4, 2008 election, and her attorney, Ms. Katherine Yeargain, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, in Docket No. 09-1081 in connection with a request for reconsideration of the Board's decision to decline to waive the \$806.25 late fee assessed against Ms. Giannobile for filing the 40-G report three hundred ten (310) days late. After hearing from Ms. Giannobile and Ms. Yeargain, on motion made, seconded and unanimously passed, the Board waived the late fee.

Ms. Daryl Blacher appeared before the Board in Docket No. 10-011 in connection with a request for a waiver of the two \$500 late fees assessed against her for failure to timely file the Legislative and Executive ER-08/09 lobbying reports. After hearing from Ms. Blacher, on motion made, seconded and unanimously passed, the Board declined to waive the late fees totaling \$1,000 but suspended the late fees conditioned upon future compliance with the Lobbyist Disclosure Act.

Mr. James Burland, attorney and report preparer for the LA Sheriff's and Deputies PAC, appeared before the Board, in its capacity as the Supervisory Committee on Campaign Finance

Disclosure, in Docket No. 10-048 in connection with a request for a waiver of the four \$500 late fees assessed against the LA Sheriff and Deputies PAC, a committee which supported candidates in the March 7, 2009, April 4, 2009 and October 17, 2009 elections, for failure to timely file the 40-G report in connection with the March 7, 2009 election, the 10-G and 40-G reports in connection with the April 4, 2009 election and the 30-P report in connection with the October 17, 2009 election. After hearing from Mr. Burland, on motion made, seconded and passed by 6 yeas by Board Members Boyer, Ingrassia, Lowrey, Schneider, Simoneaux and Stafford and 3 nays by Board Members Bareikis, Hymel and Monrose, the Board reduced the late fees totaling \$2,000 to \$1,000 to be suspended conditioned upon future compliance with the Campaign Finance Disclosure Act.

The Board unanimously agreed to consider the following supplemental agenda items:

Mr. James L. Ellis, attorney for Milton J. Womack, Inc., appeared before the Board in Docket No. 10-128 in connection with a request for an advisory opinion regarding the propriety of Milton J. Womack, Inc. bidding on a City-Parish project when the City-Parish architect is Post Architects-Washer Hill Lipscomb Cabaniss (WHLC), a Joint Venture. After hearing from Mr. Ellis, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Milton J. Womack, Inc. bidding on the City-Parish project involving the an addition to the Baton Rouge River Center, since Terry Hill, brother of Michael Hill who is a principal in WHLC, owns less than 25% common stock in Milton J. Womack, Inc. The Board further concluded that Section 1112 of the Code of Governmental Ethics prohibits Michael Hill from participating in any transactions involving Milton J. Womack, Inc. and/or Terry Hill; however, since WHLC and Michael Hill do not have any involvement and have not had any involvement in the River Center Project including all phases of the bid process and the awarding of

the bid, Section 1112 of the Code of Governmental Ethics would not prohibit Milton J. Womack, Inc. from submitting a bid and/or providing services on the River Center project.

Ms. Erin Monroe Wesley, Sr. Vice President of Governmental Affairs for the Baton Rouge Area Chamber (BRAC), appeared before the Board in Docket No. 10-131 in connection with a request for an advisory opinion regarding whether she may serve on the East Baton Rouge Mortgage Finance Authority Board of Trustees. After hearing from Ms. Wesley, on motion made, seconded and unanimously passed, the Board deferred the matter to obtain additional information with respect to the application of the exception contained in Advisory Opinion 82-02D.

The Board recessed at 12:06 p.m. and resumed back into general business session at 12:47 p.m. with Board Member Bareikis absent.

The Board considered a request for an advisory opinion in Docket No. 10-034 regarding whether a staff member of the National Association of Charter Authorizers (NACSA) may participate as a member of an evaluation team making recommendations to the Department of Education pursuant to a contract between NACSA and the Department of Education. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the NACSA employee serving on the evaluation team making recommendations to the Department of Education, since neither NACSA team members nor NACSA will have a substantial economic interest in the recommendations which the evaluation team submits to the Department of Education.

Board Member Bareikis joined the meeting at 12:53 p.m.

The Board considered a request for an advisory opinion in Docket No. 10-076 regarding Dr. Peter Galvan, the St. Tammany Parish Coroner, owning property near land acquired by the parish

to build a new Coroner's office. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the St. Tammany Parish Coroner's Office constructing its new facilities on the tract of land 1.2 miles from land in which Dr. Galvan has a personal interest, since Dr. Galvan did not take part in the selection of, or the purchase of the land which is to be used for construction of the new facility nor has he, as Coroner, entered into a transaction with his agency.

The Board considered a request for an advisory opinion in Docket No. 10-127 regarding Wanda Theriot, daughter of Interim Jefferson Parish President Steve Theriot, providing underwriting services through her employer, Coastal Securities, Inc., to the Jefferson Parish Finance Authority (JPFA). On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Coastal Securities providing underwriting services to the JPFA, since Wanda Theriot does not have any ownership interest in Coastal Securities. The Board further advised that Section 1113 of the Code of Governmental Ethics prohibits Ms. Theriot from servicing the account with the JPFA while her father serves as the Interim Parish President and from receiving commissions on the fees earned in connection with the underwriting services for the JPFA.

The Board considered a request for an advisory opinion in Docket No. 10-130 regarding the propriety of a corporation or limited liability company, which is owned by an irrevocable trust whose beneficiaries are the children of Representative Jim Tucker, entering into contracts with the state given Representative Tucker's position as a State Legislator and as a member of the State Bond Commission. In reference to the specific questions asked of the Board, on motion made, seconded and unanimously passed, the Board concluded the following:

1) Whether such corporation may apply for tax credits or other financing through the Louisiana Housing Finance Authority for multi-family housing?

Section 1113D of the Code of Governmental Ethics prohibits a legislator, his spouse, or a legal entity of a person, from entering into contracts with the state. "Legal entity of a person" means any corporation, partnership, or other legal entity in which a legislator or his spouse owns an interest greater than five percent. Section 1102(8) of the Code defines "controlling interest" as any ownership in any legal entity or beneficial interest in a trust held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds 25% of that legal entity. Section 1113D does not include the term "controlling interest" which would include any beneficial interest in a trust. Instead, Section 1113D states "an interest greater than five percent" and makes no reference to a beneficial interest in a trust. Therefore, under Section 1113D of the Code of Governmental Ethics, the company held in trust with Representative Tucker's children as beneficiaries is able to apply for tax credits or other financing through the Louisiana Housing Finance Authority for multi-family housing.

2) Whether such corporation may apply for Tax Exempt Bond Private Activity Allocation as authorized by the Office of the Governor for multi-family housing purposes?

Again, Section 1113D of the Code of Governmental Ethics does not include the term "controlling interest" which would include a beneficial interest in a trust. Instead, Section 1113D states "an interest greater than five percent" and makes no reference

to a beneficial interest in a trust. Therefore, under Section 1113D of the Code of Governmental Ethics, the company held in trust with Representative Tucker's children as beneficiaries is able to apply for Tax Exempt Bond Private Activity Allocation as authorized by the Office of the Governor for multi-family housing purposes.

3) Whether such corporation may apply for participation in any financing involving the issuance of Tax Exempt Bonds which must be approved by the Louisiana Bond Commission on which you serve as Speaker of the House?

Section 1113A of the Code of Governmental Ethics prohibits a public servant, members of his immediate family, or any legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract or other transaction that is under the supervision or jurisdiction of the public servant's agency. Section 1102(8) of the Code defines "controlling interest" as any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds 25% of that legal entity. Here, the corporation submits an application for a Tax Exempt Bond to the individual agency, not the Bond Commission. Therefore, Section 1113A of the Code of Governmental Ethics is not applicable since the transaction entered into is not with Representative Tucker's agency, the Bond Commission. Therefore, the applicable provision is Section 1113D of the Code of Governmental Ethics. Because, Section 1113D does not prohibit a company held in trust with Representative Tucker's children as beneficiaries from contracting with the state as discussed above, the corporation is able to submit an application to a state

agency for financing involving the issuance of Tax Exempt Bonds even if the issuance of the bonds must be approved by the Bond Commission. However, Section 1112 of the Code of Governmental Ethics prohibits a public servant from participating in a transaction in which his immediate family members have a substantial economic interest. As a member of the Bond Commission, Representative Tucker would need to recuse himself in connection with the approval of the Tax Exempt Bonds to any such corporation. In addition, Section 1114A of the Code of Governmental Ethics requires a public servant, and each member of his immediate family, to file a disclosure statement if they receive a thing of economic value from a person that has bid on, entered into, or is in any way financially interested in a contract or other transaction that is under the supervision or jurisdiction of the public servant's agency. The annual disclosure statement is due by May 1st and includes information from the previous calendar year.

The Board considered a request for an advisory opinion in Docket No. 10-132 regarding Shree Medlock, Louisiana Director for the Black Alliance for Educational Options (BAEO) and a registered lobbyist, sponsoring the attendance of Petrouchka Moise, Program Director of the Nonpublic School Early Childhood Development Program (NSECD), at BAEO's annual symposium. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Medlock's sponsorship of Ms. Moise's attendance at the BAEO's annual symposium, since the sponsorship meets all the requirements set forth in Section 1123(41) of the Code of Governmental Ethics which allows a public servant to accept complimentary admission to, lodging reasonably related to, and reasonable transportation to and

from an educational or professional development seminar or conference held in any state of the United States or Canada provided that (i) the public servant is requested or invited to attend by the sponsoring civic, nonprofit, educational, or political group or organization; (ii) the sponsor is not a person from whom the public servant is prohibited from receiving or accepting a gift pursuant to 1115A(2); (iii) the seminar or conference is related to the public service of the public servant and is designed to enhance the knowledge or skill of the public servant as it relates to the performance of his public service; and (iv) the public servant's agency head approves the acceptance. The Board further concluded that the Code of Governmental Ethics does not require Ms. Medlock to file this sponsorship on her lobbyist expenditure report because the sponsorship is not made for the purpose of lobbying.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for an advisory opinion in Docket No. 10-140 regarding the applicability of the new electronic filing requirement with respect to candidates wishing to forgive personal loans. On motion made, seconded and unanimously passed, the Board concluded that persons who are not elected officials and who are forgiving personal loans in connection with past elections and have had no other activity, are allowed to file a final report closing out the election in paper format and are not required to electronically file the report.

The Board considered a request for an advisory opinion in Docket No. 10-141 regarding Coastal Securities, Inc., being selected to provide underwriting services to Jefferson Parish or any of its political subdivisions while one of the company's employees, Wanda Theriot, is the daughter of Interim Jefferson Parish President Steve Theriot. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by

Coastal Securities, Inc. providing underwriting services to Jefferson Parish, since Ms. Theriot does not have any ownership interest in the company. The Board further advised that Section 1113 of the Code of Governmental Ethics prohibits Ms. Theriot from servicing the account with the JPFA while her father serves as the Interim Jefferson Parish President and from receiving commissions on the fees earned in connection with the underwriting services for the JPFA.

On motion made, seconded and unanimously passed, the Board adopted the following general business agenda items:

On motion made, seconded and unanimously passed, the Board agreed to take action on items 12-29 en globo subject to any item being individually designated for further discussion.

On motion made, seconded and unanimously passed, the Board adopted the staff recommendations on items 12-23, with the exception of items 16 and 27, taking the following action:

Adopted for publication, two consent opinions in Docket No. 07-131 in which (1) Brian Malone agrees that a violation of Section 1117 of the Code of Governmental Ethics occurred by entering into a Buy-Sell agreement with Rapides Parish Police Juror Steve Bordelon and his wife to sell two lots in Cannon Subdivision for \$37,000 at a time when Cannon Subdivision was up for approval before the Rapides Parish Police Jury and individual lots were being sold for \$37,000 and in which Mr. Malone agrees to pay a fine of \$1,000; and, (2) Don Plauche agrees that a violation of Section 1117 of the Code of Governmental Ethics occurred by entering into a Buy-Sell agreement with Rapides Parish Police Juror Steve Bordelon and his wife to sell two lots in Cannon Subdivision for \$37,000 at a time when Cannon Subdivision was up for approval before the Rapides Parish Police Jury and individual lots were being sold for \$37,000 and in which Mr. Plauche agrees to pay

a fine of \$1,000.

Adopted for publication, a consent opinion in Docket No. 07-223 in which Rich Dupree, the Chief of Staff and Executive Assistant to the Mayor of the City of Pineville, agrees that (1) violations of Section 1111C(2)(d) of the Code of Governmental Ethics occurred by virtue of his provision of \$3,725 worth of compensated services to the Alexandria Aces, during the years 2006 and 2007, at a time when the Alexandria Aces had a business and contractual relationship with the City of Pineville and by virtue of his provision of \$2,950 worth of compensated services to Louisiana College, during the years 2006 and 2007, at a time when Louisiana College had a business and contractual relationship with the City of Pineville; and, (2) he did not violate Section 1115 of the Code of Governmental Ethics and in which Mr. Dupree agrees to pay a fine of \$5,000 of which \$2,500 is to be suspended conditioned upon future compliance with the Code of Governmental Ethics.

Adopted an advisory opinion in Docket No. 10-015 concluding that no violation of the Code of Governmental Ethics is presented by Shonta Manuel, a student worker employed by the Department of Health and Hospital's Tobacco Control Program (LTCP), serving as a contractor for LTCP following the termination of her employment as a student worker with the program, since the services that she will render to the LTCP as a contractor will be different from the services that she rendered as a student worker.

Adopted an advisory opinion in Docket No. 10-018 concluding that no violation of the Code of Governmental Ethics is presented by Carlos Stout, Police Chief for the City of Carencro, working overtime through initiatives funded by grants from state and federal agencies, since his economic interest is not greater than that of the general class of eligible officers.

Adopted an advisory opinion in Docket No. 10-061 concluding that no violation of the Code of Governmental Ethics is presented by a company, Professional Realty Services, LLC, owned by Anthony Amoroso, a member of the East Baton Rouge Board of Alcohol and Beverage Control (ABC Board) and the East Baton Rouge Metropolitan Airport Board, applying for a commercial lessor charitable gaming license, since Professional Realty Services, LLC has not submitted a request or application to either board on which Mr. Amoroso serves.

Absent specific information, declined to render an advisory opinion in Docket No, 10-063 regarding an office clerk who issues building permits also serving on the Town of Kinder's zoning board.

Adopted an advisory opinion in Docket No. 10-065 concluding that no violation of the Code of Governmental Ethics is presented by Mayor R.E. Goldsby, Town of Amite, hiring the daughter of his assistant, Pris DiLorenzo, to work with the Clerk of City Court, since Ms. DiLorenzo is not considered an agency head. The Board further concluded that Section 1112 of the Code of Governmental Ethics prohibits Ms. DiLorenzo from participating in matters involving her daughter's employment with the City Court's Clerk office.

Adopted an advisory opinion in Docket No. 10-070 concluding that no violation of the Code of Governmental Ethics is presented by Glynn Pichon, a member of the Slidell Planning and Zoning Commission, selling property to the City of Slidell, since the Slidell Planning and Zoning Commission has no supervision or jurisdiction over the contract of sale between the City of Slidell and Mr. Pichon.

Adopted an advisory opinion in Docket No. 10-071 concluding that Section 1113B of the Code of Governmental Ethics prohibits a company, Comm Tech International, Inc., owned by the

son-in-law of Kenner Mayor Ed Muniz, a recently appointed member of the Regional Planning Commission (RPC) for the parishes of Orleans, Jefferson, St. Bernard, St. Tammany and Plaquemines, from continuing to perform services for the Regional Planning Commission, since CommTech International, Inc. is owned by an immediate family member of an RPC commissioner and would be “any way interested” in a transaction which is under the supervision or jurisdiction of Mayor Muniz’s agency, the RPC.

Declined to render an advisory opinion in Docket No. 10-072 regarding Mark Archer, Chairman of Concordia Parish Recreation District #3, purchasing two tracts of land beside the site purchased by the Recreation District for the development of a recreation complex, since the matter involved past conduct.

Adopted an advisory opinion in Docket No. 10-073 concluding that no violation of the Code of Governmental Ethics is presented by the son of Andre Allemand, a commissioner on the Central Lafourche Ambulance District Board, continuing his employment with Acadian Ambulance Service in St. John the Baptist Parish when Acadian Ambulance Service has a contract with the Central Lafourche Ambulance District, since any contract involving Acadian Ambulance Service submitted to the Central Lafourche Ambulance District would not affect St. John the Baptist Parish and Mr. Allemand’s son would not have a substantial economic interest in the matter.

Adopted an advisory opinion in Docket No. 10-074 concluding that Section 1121A(1) of the Code of Governmental Ethics prohibits Gordon E. Nelson, former Deputy Engineer Administrator for the Department of Transportation and Development (DOTD), for a period of two years following his retirement from DOTD, from assisting C.H. Fenstermaker or any other company in contracts or other transactions involving the nine (9) districts which he supervised while employed by the

DOTD.

Declined to render an advisory opinion in Docket No. 10-093 regarding a proposed ordinance which restricts a member of a decision-making body from voting on a matter affecting land in which he has an interest or in which he has an interest in adjoining property, since the Board, in making its determination as to whether or not a conflict of interest is presented and in its interpretation of the provisions of the Code, does not consider any laws other than those contained within the Code. The Board further concluded that Section 1112 of the Code of Governmental Ethics prohibits a public servant from participating in any transaction involving his governmental entity in which he or a legal entity in which he has a substantial economic interest has a substantial economic interest. A member of a decision-making body may be prohibited from participating in matters involving the area surrounding the property in which he and/or his immediate family members have an interest. Therefore, the member will need to request an advisory opinion from the Board at the time of each transaction affecting or which may affect his property or property in the area in order for the Board to determine if he is prohibited from participating in the proposed transaction.

Adopted an advisory opinion in Docket No. 10-098 concluding that no violation of the Code of Governmental Ethics is presented by Marilyn Shraberg, an employee of the Catholic Charities Archdiocese of New Orleans, becoming a mental health provider for the Office of Community Services, since more than two (2) years have elapsed since the termination of her employment with the Louisiana Spirit Program.

Adopted an advisory opinion in Docket No. 10-100 concluding that no violation of the Code of Governmental Ethics is presented by Ronnie Mabile, the Assistant Fire Chief for the Pierre Part

Volunteer Fire Department in Assumption Parish, selling fire safety supplies/equipment to the department or any other public entity in Assumption Parish, since Mr. Mabile receives no compensation as a volunteer firefighter and is not an agency head and as long as Mr. Mabile does not participate in the contract on behalf of the Fire Department.

Adopted an advisory opinion in Docket No. 10-106 concluding that no violation of the Code of Governmental Ethics is presented by Mitch Theriot's appointment to Director of Jefferson Parish's Water Department while Mr. Theriot's wife, Ann Theriot, is a civil engineer employed by a company which performs engineering services for various projects in Jefferson Parish; however, Section 1112 of the Code of Governmental Ethics prohibits Mr. Theriot from participating in transactions in which his wife has a substantial economic interest. Moreover, his wife, individually, would be prohibited from entering into any contract, subcontract, or other transaction under the supervision or jurisdiction of the Water Department. However, her employer, Meyer Engineering, will not be precluded from seeking contracts with Jefferson Parish, or any of its departments, provided that Mrs. Theriot does not work on any of the projects with the Jefferson Parish Water Department. Mrs. Theriot may continue to work on other projects for Jefferson Parish and its departments as long as those projects are not with the Water Department. The Board further concluded that Section 1111C(2)(d) will not prohibit Mrs. Theriot's employment with Meyer Engineering, since Ethics Board Docket No. 82-02D creates an exception to Section 1111C(2)(d) of the Code when the following factors are met: (1) the employee must be a salaried or wage-earning employee; (2) the employee's salary must remain substantially unaffected by the contractual relationship; (3) the public servant must own less than a "controlling interest" in the company; and (4) the public servant must be neither an officer, director, trustee, nor partner in the company. Since

Mrs. Theriot is an existing employee who meets all four factors, her continued employment will not be precluded.

The Board considered the following general business agenda items:

The Board considered a request for an advisory opinion in Docket No. 10-042 regarding Caroline Wood, an Education Consultant 3 employed by the Department of Education, becoming an Adjunct Professor with Tulane University. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Wood accepting a position with Tulane University as an Adjunct Professor, since the services she would be providing are not devoted substantially to the responsibilities, programs or operations of her agency and in which she has participated and as long as Tulane University does not have any contractual, business or other financial relationship with the Region II Education Center. Board Member Schneider recused himself.

The Board considered a request for an advisory opinion in Docket No. 10-099 regarding Frank Auderer, Jr., a St. Bernard Parish Councilman, selling his property to a company which has a business relationship with the St. Bernard Parish Government. On motion made, seconded and unanimously passed, the Board concluded that Section 1111C(2)(d) of the Code of Governmental Ethics prohibits Mr. Auderer from rendering any service for compensation to GRS, a company which has a business relationship with the St. Bernard Parish Government.

On motion made, seconded and unanimously passed, the Board approved the minutes of the January 14-15, 2010 meetings.

The Board considered a staff memorandum in Docket No. 09-250 regarding the dismissal of charges against legislative lobbyists who failed to file a required lobbying expenditure report by

February 17, 2009 covering the reporting period of July 1, 2008 through December 31, 2008. On motion made, seconded and unanimously passed, the Board dismissed charges against lobbyists Jesse Barr, Lauren Geesey, Rhonda Jackson, Michael LaBorde, Steven Snyder and Cynthia Witkin, since the required reports had been filed and late fees assessed.

The Board considered a staff memorandum in Docket No. 09-256 regarding the dismissal of charges against executive lobbyists who failed to file a required lobbying expenditure report by February 17, 2009 covering the reporting period of July 1, 2008 through December 31, 2008. On motion made, seconded and unanimously passed, the Board dismissed charges against lobbyists Roman Knysh, Leon Stamps and Jason Widener, since the required reports had been filed and late fees assessed.

The Board considered a request to withdraw a request for an advisory opinion in Docket No. 10-021 regarding William Temple, the Chief Engineer for the Department of Transportation and Development (DOTD), being employed with Barriere Construction following his retirement from the DOTD. On motion made, seconded and unanimously passed, the Board granted the request to withdraw the request for an advisory opinion, since Barriere Construction decided not to offer employment to Mr. Temple.

The Board considered a request for an advisory opinion in Docket No. 10-078 regarding Representative Nancy Landry's fundraising efforts on behalf of candidates during a regular legislative session. On motion made, seconded and unanimously passed, the Board deferred the matter to the March meeting.

The Board considered a request for an advisory opinion in Docket No. 10-080 regarding employees of the Office of State Buildings (OSB) who are affected by the privatization of the OSB

accepting employment with potential vendors of the OSB. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the employees of OSB accepting employment with potential vendors of the OSB following privatization of the OSB, since the employees affected by the privatization did not participate in the drafting of the RFP nor did they participate in the OSB's decision to privatize the services.

The Board considered a request for an advisory opinion in Docket No. 10-136 regarding employees of the Department of Environmental Quality (DEQ) accepting employment with Southern Petroleum Laboratories (SPL), a vendor of DEQ. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the DEQ employees accepting employment with Southern Petroleum Laboratories, as long as the former employees of the laboratory do not participate in activities in which they participated in while employed in the laboratory and, since the laboratory will no longer exist at DEQ, former employees of the laboratory who are employed with SPL would not be rendering a service to, for, or on behalf of the laboratory in which they were formerly employed.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request in Docket No. 10-092 for a waiver of the \$500, \$500 and \$1,000 late fees assessed against the Green Light Committee, which supported a proposition in the November 14, 2009 election, for its failure to file the 48 hour Special reports electronically as required under Section 1485E of the Campaign Finance Disclosure Act. On motion made, seconded and unanimously passed, the Board declined to waive the late fees.

The Board considered requests for "good cause" waivers of late fees assessed against the

following lobbyists:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 10-010 from Arnold West, Executive Lobbyist, of a \$200 late fee; and,
Docket No. 10-012 from Michael Andrews, Executive Lobbyist, of a \$200 late fee.

The Board unanimously waived the late fees against the following:

Docket No. 10-013 from Jason Widener, Executive Lobbyist, of a \$500 late fee;
Docket No. 10-014 from Jason Schnacke, Legislative Lobbyist, of a \$500 late fee;
Docket No. 10-085 from Jessica Monroe, Executive and Legislative Lobbyist, of two \$150
late fees;
Docket No. 10-102 from Joseph Hebert, Executive Lobbyist, of a \$100 late fee; and,
Docket No. 10-103 from Cynthia Witkin, Legislative Lobbyist, of a \$500 late fee.

The Board considered a request in Docket No. 07-742 for a waiver of the \$1,500 late fee assessed against Dan LeBlanc, a member of the Iberia Parish School Board, for his failure to timely file the 2006-2007 school board disclosure statement. On motion made, seconded and unanimously passed, the Board declined to waive the \$1,500 late fee but suspended the entire amount conditioned upon future compliance with the Code of Governmental Ethics.

Ms. Allen provided an overview of the proposed legislation regarding the laws administered by the Louisiana Board of Ethics. Following discussion, the Board agreed to submit the following recommendations to the Governor Jindal and the Legislature:

1. Require the executive officer of every board and commission within the state to report annually to the Secretary of State (1) the names of members and (2) the amount spent, disbursed and/or invested by the board/commission in the most recent fiscal year; and require that the Secretary of State make such information available to the Board of Ethics for it to verify whether all board members have filed a financial disclosure reports as required by R.S. 42:1124, et seq.. Board Member

Schneider abstained.

2. Authorize and require ethics investigation staff to audit for truthfulness a randomly selected group of financial reports submitted each calendar year, provided sufficient funding and personnel is made available, together with subpoena or similar authority to conduct such audits.
3. Resolve legal discrepancies regarding timeframes within which action may be taken to enforce ethics laws. No time limitation should commence to run until the Board, at a convened meeting, receives notices of an alleged violation.
4. Provide for two bodies - one with one investigatory and prosecuting authority and one with adjudicatory authority - with respect to the laws administered by the Louisiana Board of Ethics. The adjudicatory board would be subject to the same selection criteria, qualifications, and terms of office as currently exists for members of the Louisiana Board of Ethics, including that the candidates for Board vacancies be nominated by the presidents of the private colleges and universities in the State, that they serve without compensation, except for per diem and expenses, and that they may not be public employees.
5. Provide the investigatory/prosecutorial body with the right to appeal if the adjudicatory body renders a decision with which the investigatory/prosecutorial body does not agree.
6. Require that public ethics meetings and hearings be broadcast live via the Internet and that audio/video archives and written minutes of prior meetings and hearings be provided online. Board Member Bareikis dissented.

7. Require all financial information submitted to the Board of Ethics be entered into an online data system, which would allow the information to be sorted by any combination of fields.
8. Provide a “probable cause” standard for deciding whether charges should be filed by the Board of Ethics. This would require changes to R.S. 1141C, D, E and F. Board Members Monroe and Schneider dissented.
9. Provide for consistent use of the term “respondent” throughout the procedural provisions of the Code of Governmental Ethics rather than the terms “defendant,” “accused” or other similar words or phrases.
10. Authorize the exchange of confidential information among the Louisiana Board of Ethics, the Legislative Auditor, the Inspector General and the New Orleans Office of the Inspector General.
11. Provide that the definition of “immediate family” in R.S. 42:1102(13) includes step-children. R.S. 42:1102(13) currently defines “‘immediate family’ as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.
12. Provide for a maximum late fee for the \$500 per day late fee for persons filing Tier 1 personal financial disclosure reports. There is currently no maximum late fee for the late filing of a Tier 1 report, as there is for other tiers of personal financial reports. The Board recommends that the maximum late fee be \$12,500. The Board

approved this recommendation at its October 28, 2009 meeting. Board Member Schneider dissented.

The Campaign Finance Disclosure Act (R.S. 18:1481, et seq.)

1. Provide that no political campaign fundraiser may be held in any state or local governmental agency building.
2. Provide that no political campaign contributions may be given in any state or local public governmental agency building.
3. Limit the solicitation and receipt of political campaign contributions to a fixed period of time preceding the date of the primary election, similar to the limit for judges. Board Members Bareikis and Schneider dissented. Board Member Monroe abstained.
4. Provide a definition for the terms “personal use,” “related to a political campaign,” and the “holding of a public office.” R.S. 1505.2I provides that “contributions . . . may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign, the holding of a public office.”
5. Eliminate the filing of election day expenditure reports for the primary and general elections. The information provided on these reports is included on other reports filed by the candidates and political committees. The Board approved this recommendation at its October 28, 2009 meeting. Board Members Simoneaux and Frazier dissented and Board Member Bareikis abstained.
6. Provide for a maximum late fee for the \$500 per day late fee for political committees

and other persons who are required to electronically file campaign finance disclosure reports. There is currently no maximum late fee for a \$500 per day late fee penalty. The Board recommends that the maximum late fee be \$7,500. The Board approved this recommendation at its October 28, 2009 meeting.

7. Provide a requirement that political committees disclose the date of the election for which a contribution is given to a candidate and require the political committee to file reports for the election in which they have disclosed they are participating.
8. Provide a presumption in law that a contribution/loan received by a candidate should be applied to the campaign then underway, unless the contributor expressly indicates that it is to be applied to a past campaign.
9. Provide an exception for candidates who are qualifying for an elected office prior to April 15th with respect to the certification that they have filed their federal and state taxes or filed for an extension thereof at the time of filing the personal financial disclosure report, since the time for filing the report or requesting an extension thereof has not expired.

The Legislative Branch Lobbyist Disclosure Act (R.S. 24:50, et seq.), and the Executive Branch Lobbyist Disclosure Act (R.S. 49:71, et seq.)

Provide for the discretionary, rather than mandatory, imposition of a late fee for those individuals who file a lobbyist disclosure report more than 11 days late. Both R.S. 24:58D(2) and 49:78D(2) currently provide that “[a]ny person whose registration or report is filed eleven or more days after the day on which it was due shall be assessed, . . . after a hearing by the ethics board, a civil penalty not to exceed ten thousand dollars.”

On motion made, seconded and unanimously passed, the Board deferred consideration of the Proposed Training Legislation to the March meeting.

On motion made, seconded and unanimously passed, the Board dismissed the charges in Docket NO. 08-909 against Terry Gardner, a former member of the Webster Parish Convention and Tourism Bureau, regarding his appointment by the Minden-South Webster Chamber of Commerce to the Webster Parish Convention and Tourism Commission.

On motion made, seconded and unanimously passed, the Board instructed the staff to issue a letter closing the file in Docket No. 07-527 regarding Lafourche Parish Sheriff Craig Webre.

On made, seconded and unanimously passed, the Board dismissed the charges in Docket No. 08-669 regarding Leon C. Vial, St. Charles Parish Attorney. Board Member Schneider abstained.

On motion made, seconded and unanimously passed, the Board concluded to refrain from taking any further action in the matter involving Representative Rick Gallot in Docket No. 07-485 and instructed the staff to issue a letter closing the file.

On motion made, seconded and unanimously passed, the Board instructed the staff to proceed with the hearing before the Ethics Adjudicatory Board in Docket No. 07-845 regarding Representative Michael Jackson.

On motion made, seconded and unanimously passed, the Board adjourned at 11:35 a.m.

Secretary

APPROVED:

Chairman

General Item

Ethics Board Docket No. BD 2009-250 03/19/2010

RE:

Consideration of Staff Memorandum to dismiss charges against Legislative Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

Relevant Statutory Provisions, Advisory Opinions:

24:50 et seq.

Comments:

Julius Hollis and Patrick McEvoy have filed the required reports.

Charges against this lobbyist should be dismissed and late fees assessed. (MDD)

Recommendations:

Dismiss charges.

MEMO

TO: Michael Dupree
FROM: Lauren Abrams
RE: 2009-250-Failure to file Legislative Lobbyist Expenditure Reports
DATE: March 1, 2010

The following lobbyist has filed his expenditure report due February 17, 2009 covering the reporting period July 1, 2008 through December 31, 2008.

Julius Hollis
Patrick McEvoy

General Item

Ethics Board Docket No. BD 2009-256 03/19/2010

RE:

Consideration of a staff memorandum to dismiss charges against Executive Lobbyists who failed to file a required lobbying expenditure report by February 17, 2009, covering the reporting period of July 1, 2008 through December 31, 2008.

Relevant Statutory Provisions, Advisory Opinions:

49:71 et seq.

Comments:

Julius Hollis and Patrick McEvoy have filed the required expenditure reports.

The charges against this lobbyist should be dismissed and late fees assessed. (MDD)

Recommendations:

Dismiss charges.

MEMO

TO: Michael Dupree

FROM: Lauren Abrams

RE: 2009-256-Failure to file Executive Lobbyist Expenditure Reports

DATE: March 1, 2010

The following lobbyist has filed his expenditure report due February 17, 2009 covering the reporting period July 1, 2008 through December 31, 2008.

**Julius Hollis
Patrick McEvoy**

General Item

Ethics Board Docket No. BD 2010-078 03/19/2010

RE:

Consideration of a request for an advisory opinion in connection with Representative Nancy Landry's fund-raising efforts on behalf of candidates during a regular legislative session.

Relevant Statutory Provisions, Advisory Opinions:

1505.2Q

Comments:

FACTS: Representative Landry states that prior to her election to the legislature, she earned her living by managing the fund-raising activities of other candidates. She presents several questions regarding the propriety of her fund-raising efforts on behalf of candidates and political committees during a regular legislative session.

APPLICABLE LAW: Section 1505.2Q(1) of the CFDA prohibits a legislator from accepting or depositing a contribution, loan, or transfer of funds or accepting and using any in-kind contribution for his own campaign during a regular legislative session.

ANALYSIS: The prohibition applies to contributions received for the candidate's own campaign. Representative Landry is not raising funds for her own campaign, therefore, the CFDA does not prohibit her from receiving compensation for raising funds for any other candidate, including candidates for a legislative office, or political committees that contribute to legislators, during a regular legislative session. However, if the candidate being supported by the political committee is a legislator, he is prohibited from accepting or depositing contributions from a political committee during a regular legislative session, unless the contribution is for an office other than that of state legislator, or if the election occurs during the Regular Legislative Session or within sixty days after such legislative session adjourns. (AMA)

Recommendations:

Adopt the proposed advisory opinion.

DATE

The Honorable Nancy Landry
State Representative, District 31
P.O. Box 53529
Lafayette, LA 70505

Re: Ethics Board Docket No. 2010-078

Dear Representative Landry:

The Louisiana Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, at its March 19, 2010 meeting, considered your request for an advisory opinion concerning fund-raising activities during session in connection with your public relations firm. You state that you own a public relations firm that manages the fund-raising activities of candidates and other political entities.

Section 1505.2Q(1) of the Campaign Finance Disclosure Act (LSA-R.S. 18:1505.2Q) (CFDA) prohibits a **legislator** from accepting or depositing a contribution, loan, or transfer of funds or accepting and using any in-kind contribution for **his own campaign** during a regular legislative session.

In reference to the specific questions asked of the Board, the Board concluded and instructed me to inform you of the following with respect to your receipt of compensation as an owner of a public relations firm:

1. Whether you are prohibited from raising funds for a judicial candidate?

The CFDA does not prohibit you from receiving compensation for raising funds for a judicial candidate. You are not raising funds or accepting contributions for your own campaign, therefore, the Campaign Finance Disclosure Act does not prohibit you from raising funds for a judicial candidate.

2. Whether you are prohibited from raising funds for a judicial candidate during a regular legislative session?

The CFDA does not prohibit you from receiving compensation for raising funds for a judicial candidate. You are not raising funds or accepting contributions for your own campaign, therefore, the Campaign Finance Disclosure Act does not prohibit you from raising funds for a judicial candidate at any time including during a regular legislative session.

3. Whether you are prohibited from raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races?

Ethics Board Docket No. 2010-078

Page 2 of 2

DATE

The CFDA does not prohibit you from receiving compensation for fund raising for a political committee. You are not raising funds or accepting contributions for your own campaign, therefore, the Campaign Finance Disclosure Act does not prohibit you from raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races.

4. Whether you are prohibited from raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races during a regular legislative session?

The CFDA does not prohibit you from receiving compensation for fund raising for a judicial candidate. You are not raising funds or accepting contributions for your own campaign, therefore, the Campaign Finance Disclosure Act does not prohibit you from raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races at any time including during a regular legislative session.

5. Whether you are prohibited from raising funds for a legislative candidate, other than yourself?

The prohibition in Section 1505.2Q(1) applies to contributions accepted or deposited during a regular legislative session for the candidate's own campaign. Since you are not raising funds for your own campaign, the CFDA does not prohibit you from receiving compensation for raising funds for a legislative candidate. However, if the candidate is a legislator, he is prohibited from accepting or depositing the contribution during a regular legislative session, unless the contribution is for an office other than that of state legislator or if the election occurs during the regular legislative session or within sixty days after such legislative session adjourns.

6. Whether you are prohibited from raising funds for any other office holder or potential office holder during a regular legislative session?

The prohibition in Section 1505.2Q(1) applies to contributions received for the candidate's own campaign. You are not raising funds for your own campaign, therefore, the CFDA does not prohibit you from receiving compensation for raising funds for any other office holder or potential office holder during a regular legislative session.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Campaign Finance Disclosure Act. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics and the Campaign Finance Disclosure Act. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin

LOUISIANA HOUSE OF REPRESENTATIVES

2010-078

P. O. Box 53529
Lafayette, LA 70505
Email: landryn@legis.state.la.us
Phone: 337.262.2252
Fax: 337.262.2254



Civil Law and Procedure
Natural Resources and Environment

NANCY LANDRY
State Representative ~ District 31

January 6, 2010

Mr. Frank Simoneaux
Chairman, Board of Ethics
Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, LA 70821

2010 JAN -7 PM 1:24
LEGISLATION
CAMPAIGN FINANCE
RECEIVED

Dear Mr. Simoneaux and Members of the Board of Ethics:

As a member of the Louisiana House of Representatives I am writing to respectfully request an advisory opinion on a matter which involves the fundraising work in which I was engaged prior to my election.

I am aware that members of the legislature are prohibited from raising funds for their own campaigns during the legislative session; however, in my position as owner of a public relations firm, I have previously earned my living by managing the fundraising activities of other candidates and political entities. I am requesting an advisory opinion on whether there is a prohibition against my engaging in the following compensated activities in my capacity as the owner of a public relations firm:

1. Raising funds for a judicial candidate;
2. Raising funds for a judicial candidate during a legislative session;
3. Raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races;
4. Raising funds for a political action committee, the funds of which may eventually be used to contribute to legislative races during a legislative session;
5. Raising funds for a legislative candidate other than myself; and
6. Raising funds for any other office holder or potential office holder.

Thank you very much for your time and consideration of this matter.

Sincerely,

Nancy Landry
State Representative
District 31

General Item

Ethics Board Docket No. BD 2010-107 03/19/2010

RE: Consideration of a request for an advisory opinion in connection with an employee of Horseshoe Casino & Hotel, Geno Iafrate, Sr., being appointed to the Greater Bossier Economic Development Foundation Board

Relevant Statutory Provisions, Advisory Opinions: 1112, 1111C(2)(d)

Comments:

FACTS: The Greater Bossier Parish Economic Development Foundation has appointed Geno Iafrate to sit on the Board of Directors of the Foundation in the capacity of Secretary/Treasurer. Mr. Iafrate, Sr. is the Vice President and General Manager for Horseshoe Casino & Hotel. There is statute requiring all area casino's to give a percentage of its tax dollars directly to the Foundation. The Foundation uses the funds to promote area businesses and community involvement. The funds are not given back to the casinos for advancement of their industry. There is no other relationship between the Foundation and Horseshoe.

APPLICABLE LAW: Section 1111C(2)(d) of the Code prohibits a public employee from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or other business or financial relationships with the public employee's agency; conducts operations or activities which are regulated by the public employee's agency; or has substantial economic interests which may be substantially affected by the performance or non-performance of the public employee's official duty. Section 1112 prohibits a public servant from participating in a transaction involving his agency in which his employer has a substantial economic interest. Section 1120.4 allows an appointed member of a board or commission to recuse himself in order to avoid a violation of Section 1112 of the Code.

ANALYSIS: The casino's statutory requirement to give a percentage of its tax dollars directly to the Foundation does not constitute a contractual or other business or financial relationship under Section 1111C(2)(d) of the Code. Mr. Iafrate's appointment is not prohibited. Mr. Iafrate would be required to recuse himself from any matters involving Horseshoe that come before the Foundation. (AMA)

Recommendations: Adopt the proposed advisory opinion.

DATE

Geno Iafrate, Sr.
Horseshoe Casino & Hotel
711 Horseshoe Boulevard
Bossier City, LA 71111

Re: Ethics Board Docket No. 2010-107

Dear Mr. Iafrate:

The Louisiana Board of Ethics, at its March 19, 2010 meeting, considered your request for an advisory opinion as to the propriety of your appointment to the Greater Bossier Economic Development Foundation Board. You state that you are the Vice President and General Manager of Horseshoe Casino & Hotel and that by statute Horseshoe is required to give a percentage of its tax dollars directly to the Foundation. The Foundation uses the funds to promote area businesses and community involvement and is not given back to the casinos for advancement of their industry. You further state that the Foundation has no other relationship with Horseshoe.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics does not prohibit you from serving on the Board of Directors for the Greater Bossier Economic Development Foundation. Section 1111 (C)(2)(d) of the Code prohibits you as a public servant, or any legal entity in which you own in excess of 25% or exercise control over, from receiving a thing of economic value for services rendered to the following persons: (1) those who have or are seeking to obtain a contractual, or other business or financial relationship with Foundation, (2) those who conduct operations or activities that are regulated by the Foundation; and (3) those who have substantial economic interests that could be substantially affected by the performance or non-performance of your duties as member of the Board of Directors for the Foundation.

Horseshoe does not have a contractual or other business or financial relationship with the Foundation. The Foundation's receipt of a percentage of Horseshoe Casino's tax revenue would not constitute a contractual or other business or financial relationship under Section 1111C(2)(d) of the Code. Therefore, your service on the Board of Directors of the Foundation is not prohibited. Further, Section 1112 prohibits a public servant from participating in matters in which your employer has a substantial economic interest. However, Section 1120.1 allows an appointed board member to recuse himself in a matter in order to avoid a violation of Section 1112 of the Code. Therefore, you would need to recuse yourself in any matters involving Horseshoe that come before the Foundation.

Ethics Board Docket No. 2010-107

DATE

Page 2 of 2

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board



2010-107 AA
 ETHICS ADMINISTRATION
 CAMPAIGN FINANCE
 RECEIVED

2010 JAN 21 PM 3: 54

January 14, 2010

Via Certified Mail #7009 0080 0000 4175 6115

Louisiana Ethics Administration Program
 P.O. Box 4368
 Baton Rouge, LA 70821

Re: Greater Bossier Economic Development Foundation Board Appointment

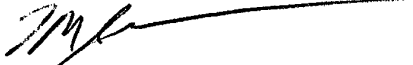
Dear General Counsel:

On behalf of the Greater Bossier Economic Development Foundation (the "Foundation"), Horseshoe Casino & Hotel, a limited partnership with its principal place of business in Bossier City ("Horseshoe"), is writing to formally request that the Louisiana Board of Ethics issue a written advisory opinion in regards to the Foundation's appointment of Geno Iafrate, Sr. Vice President and General Manager for Horseshoe. The Foundation appointed Mr. Iafrate to sit on the Board of Directors of the Foundation in the capacity of Secretary/Treasury for the 2010 calendar year.

Horseshoe and the Foundation are seeking the Board of Ethics' opinion on whether the appointment is consistent with all laws and rules under the Board of Ethics' jurisdiction, in light of legislation passed in 2007 that requiring a percentage of all area casinos' tax dollars to be given directly to the Foundation. The Foundation uses the funds to promote area businesses and community involvement. These funds are not given back to the casinos for advancement of their industry.

Although Horseshoe Casino & Hotel does not believe there is a conflict of interest, we feel compelled to seek your guidance and opinion in this matter. Your quick issuance of the requested advisory opinion letter is requested to allow the Foundation's Board to be finalized for the 2010 calendar year. In the event you require additional information to properly develop your opinion, please do not hesitate to contact me.

Sincerely,


 Geno Iafrate
 Sr. Vice President/General Manager
 Horseshoe Casino & Hotel

Cc: David Rockett, Executive Director/President, GBED Foundation
 Lt. Joe Ingram, Louisiana State Police, Gaming Enforcement Field Office
 Johnny Bridges, Director of Finance, Horseshoe Casino & Hotel
 Tim Lambert, V.P. Legal Affairs, Central Division, Harrah's Operating Company, Inc.

March 18-19, 2010 - LOBBYIST LATE FEE WAIVER REQUEST									
No	Name	Docket No.	Branch	Report	Days Late	Fine	No Activity	Other late filings	Recomm.
1.	Patrick McEvoy	2010-082	Leg.	ER-08/09	5	\$250	✓		Decline to waive.
	Patrick McEvoy	2010-082	Exec.	ER-08/09	5	\$250	✓		Decline to waive.
	Patrick McEvoy	2010-082	Leg.	ER-11/09	1	\$50	✓		Decline to waive.
	Patrick McEvoy	2010-082	Exec.	ER-11/09	1	\$50	✓		Decline to waive.
2.	Shree Medlock	2010-120	Leg.	ER-11/09	1	\$50	✓		Decline to waive.
	Shree Medlock	2010-120	Exec.	ER-11/09	1	\$50	✓		Decline to waive.
3.	Ron Lospennato	2010-167	Leg.	ER-12/09	4	\$200	✓		Decline to waive.
	Ron Lospennato	2010-167	Exec.	ER-12/09	4	\$200	✓		Decline to waive.
4.	Jesse Barr	2010-199	Leg.	ER2	337	\$500	✓		Waive.

* Late fee reduced pursuant to Rule 1204D based on level of activity.

Abbreviation

Legis.

Exec.

ER2

ER-8/09

ER-11/09

ER-12/09

Key

Legislative Lobbyist

Executive Lobbyist

Lobbying Report due February 17, 2009 (report period covering 07/01/2008-12/31/2009)

Lobbying Report due September 25, 2009 {report period covering 08/01/2009-08/31/2009}

Lobbying Report due December 28, 2009 {report period covering 11/01/2009-11/30/2009}

Lobbying Report due January 25, 2010 {report period covering 12/01/2009-12/31/2009}

Other waiver request; Appearances

General Item

Ethics Board Docket No. BD 2010-082 03/19/2010

RE:

Consideration of a request that the Board waive the \$250, \$250, \$50, and \$50 late fees assessed against Patrick McEvoy, for failure to timely file a Legislative and Executive ER-08/09 and ER-11/09 lobbying reports.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative and Executive
REPORT:	ER-08/09 and ER-11/09
REPORTS DUE:	September 25, 2009 and December 28, 2009
REPORTS FILED:	September 30, 2009 and December 29, 2009
DAYS LATE:	5 and one
FEE ASSESSED:	\$250, \$250, \$50, and \$50
ACTIVITY REPORTED:	Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS:	None

Patrick McEvoy filed his Legislative and Executive ER-08/09 lobbying reports that were due by September 25, 2009, 5 days late on September 30, 2009, he was assessed \$250 and \$250 late fees. He also filed his Legislative and Executive ER-11/09 lobbying reports that were due by December 28, 2009, one day late on December 29, 2009, he was assessed \$50 and \$50 late fees. His late fees total \$600.

Patrick McEvoy states that he has had complications with his cancer over the last year. However he has not provided any back up documentation at this time. (MDD)

Recommendations:

Decline to waive.

2/25/2010

To L.A. Board of Ethics,
I had complications from my illness of
cancer that I want to add to my waiver
request of Nov. 9, 2009.

Thank you,
Pat McEvoy

OFFICE OF THE CLERK
CALIFORNIA JUDICIAL BRANCH
RECEIVED

2010 FEB 25 PM 12:46

FEB 02 10 12:00p

PATRICK MCEVOY

004-004-0042

p.1

2010-082
February 2, 2010

To Louisiana Board of Ethics,
I was late for the filed Legislative
and Executive lobbying expenditure reports
for between November 1, 2009 - November 30, 2009
because of illness.

Sincerely,
Patrick McEvoy
PATRICK M. MCEVOY
PATFIE@COX.NET

2010 FEB - 2 PM 12: 57
CAMPAIGN FINANCE
RECEIVED

2010-082

11/09/09

I would, PLEASE, like the Board to waive my LATE FEES for filed LEGISLATIVE and EXECUTIVE lobbying EXPENDITURE reports. I have had a SERIOUS medical HEALTH problem for OVER 1 YEAR.

Thank you,
Patrick Mc Enroy

2009 NOV - 9 AM 9: 14
REGISTRATION
CAMPAIGN FINANCE
RECEIVED

General Item

Ethics Board Docket No. BD 2010-120 03/19/2010

RE:

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Shree Medlock, for failure to timely file a Legislative and Executive ER-11/09 lobbying reports.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative and Executive
REPORT:	ER-11/09
REPORT DUE:	December 28, 2009
REPORT FILED:	December 29, 2009
DAYS LATE:	1
FEE ASSESSED:	\$50 and \$50
ACTIVITY REPORTED:	Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS:	None

Shree Medlock filed her Legislative and Executive ER-11/09 lobbying reports that were due by December 28, 2009, one day late on December 29, 2009, she was assessed \$50 and \$50 late fees, totaling \$100.

Carla Hampton, also a registered lobbyist, with Black Alliance for Educational Options states that she inadvertently missed the final step "finalizing" the November report for Ms. Medlock. Ms. Hampton states that Ms. Medlock's report should have been filed along with hers on December 7, 2009. The system does show the expenditures for Ms. Medlock's November report being reported on December 7, 2009 and being finalized on December 29, 2009. (MDD)

Recommendations:

Decline to waive.



7575 Person Highway, Mailbox #23
Baton Rouge, Louisiana 70806
Ph: 504.610.3254
Fax: 202.403.3750

RECEIVED
CASHIER'S OFFICE

2010 JAN 14 AM 9:02

2010-120

January 7, 2010

Louisiana Board of Ethics
P.O. Box 4363
Baton Rouge, LA 70821

**Re: Legislative & Executive Filing Penalty Fee Waiver Appeal for Shree Medlock
November 1, 2009 – November 30, 2009 Lobbyist Expenditure Report**

To the Honorable Members of the Louisiana Board of Ethics,

My name is Carla Hampton and I am the Louisiana State Coordinator for The Black Alliance For Educational Options. I am also a registered lobbyist (LB00000294). I am writing you to request the late filing penalties levied against Ms. Shree Medlock, registered lobbyist (LB00000295) for the above referenced expenditure reports be waived.

Ms. Medlock and I respectfully understand and agree that as registered lobbyists we are individually held to the compliances of the laws and regulations set forth in the Lobbyist Disclosure Act, more specifically for the purpose of this letter, LSA-R.S. 24:58D(1) and 49:78D(1). It is with great humility that I ask not your understanding, but simply your mercy in forgiving my inadvertent oversight in executing the final step of the report filing process, actually "finalizing" Ms. Medlock's report which was filed on December 7, 2009 along with my own. It is not my intent to belabor the Board with the trivial matter of our internal office procedures; however, I humbly submit to you that the filing of both of our expenditure reports is my sole responsibility. In the nearly two years of our terms as lobbyists, I have ensured to comply with the mandated filing deadlines for both myself and Ms. Medlock. In this circumstance, I can only

I cannot justify nor do I intend to insult this honorable body by attempting to present a case for "good cause" when this was simply a case of my own human error. I am only hoping to appeal to your compassion to grant leniency for my attempt to honor the filing deadlines on December 7, 2009. It is my firm commitment that I will diligently work to avoid this oversight from re-occurring in the future.

Thank you for your consideration in this matter. If you require any further information from Ms. Medlock or myself, please contact me at (225) 354-0274 or by email me at carla@baeo.org.

Respectfully,

Carla Hampton

Carla Hampton
LA State Coordinator

Give Parents A **Choice** and Children A Chance.

SCANNED

JAN 28 REC'D

Rv: *hr*



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

January 4, 2010

Ms. Shree Medlock
7575 Jefferson Hwy
Baton Rouge, LA 70806

**RE: Legislative & Executive Filing Penalty
November 1, 2009 - November 30, 2009 Lobbyist Expenditure Report**

Dear Ms. Medlock:

The Louisiana Board of Ethics has received your Legislative and Executive lobbying expenditure reports, which were due December 28, 2009. The reports were electronically filed one day late on December 29, 2009. LSA-R.S. 24:58D(1) and 49:78D(1) of the Lobbyist Disclosure Act mandates that an automatic late fee of \$50 per day be assessed against you for each late filing.

Accordingly, late fees of \$50 and \$50 have been assessed against you. Please submit a check or money order in the amount of \$100 payable to the Treasurer of the State of Louisiana to Post Office Box 4368, Baton Rouge, LA 70821 by **February 4, 2010**.

LSA-R.S. 42:1157.2 provides that you may apply to the Board for a waiver of these late fees, but only for "good cause shown" **within thirty days after the mailing of this letter**. "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by February 4, 2010. If you would like to appear before the Board in connection with such a request, please indicate so in writing. **If the Board does not receive your waiver request by February 4, 2010, you will be prohibited from requesting a waiver.**

Sincerely,

LOUISIANA BOARD OF ETHICS


Michael D. Dupree

MD:fa

General Item

Ethics Board Docket No. BD 2010-167 03/19/2010

RE:

Consideration of a request that the Board waive the \$200 and \$200 late fees assessed against Ron Lospennato, for failure to timely file his Legislative and Executive ER-12/09 lobbying reports.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative and Executive
REPORT:	ER-12/09
REPORT DUE:	January 25, 2010
REPORT FILED:	January 29, 2010
DAYS LATE:	4
FEE ASSESSED:	\$200 and \$200
ACTIVITY REPORTED:	Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS:	None

Ron Lospennato filed his Legislative and Executive ER-12/09 lobbying reports that were due by January 25, 2010, 4 days late on January 29, 2010, he was assessed \$200 and \$200 late fees, totaling \$400.

Teenie Hutchinson with the Southern Poverty Law Center states that Ron Lospennato, as an employee, has been a registered lobbyist since 2008 and it is the duty of the administrative staff to file his reports. Ms. Hutchinson indicates that the report was filed late because of a turnover in personnel and a miscommunication regarding the reports with the new staff. The reports were filed after receiving a courtesy call from the Ethics staff. (MDD)

Recommendations:

Decline to waive.

MD

2010-167



OFFICE OF ADMINISTRATION
 OFFICE OF FINANCE
 RECEIVED
 2010 FEB -9 AM 9:20

Fighting Hate
 Teaching Tolerance
 Seeking Justice

Southern Poverty Law Center
 400 Washington Avenue
 Montgomery, AL 36104
 334.956.8200
 www.splcenter.org

February 4, 2010

Louisiana Board of Ethics
 P.O. Box 4368
 Baton Rouge, LA 70821

Dear Sir or Madam:

One of the center's employees, Ron Lospennato, is registered as a lobbyist in both the Legislative and Executive branches in the state of Louisiana. He has been registered as a lobbyist in Louisiana since 2008 and all reports up until January 25, 2010 have been made on time. All reports have reflected \$0 expenditures.

The Southern Poverty Law Center is a non-profit organized under IRS Code 501©3 and Mr. Lospennato's duties are directed towards fulfilling our program mission. It is the responsibility of the administration department under my direction to fulfill his administrative tasks such as filing the monthly legislative and executive expenditure reports and we take these responsibilities seriously. Unfortunately, we recently had a turnover in personnel and a miscommunication regarding the Louisiana reports resulted in our failure to file the reports on time. As soon as we received a courtesy call from the Board of Ethics, we immediately filed the reports.

We respectfully request a waiver of the \$400 late fees according LSR-R.S. 42:1157.2.

Sincerely,

A handwritten signature in cursive script that reads "Teenie M. Hutchison".

Teenie M. Hutchison
 Director Administration & Finance

General Item

Ethics Board Docket No. BD 2010-199 03/19/2010

RE:

Consideration of a request that the Board waive the \$500 late fee assessed against Jesse Barr, for failure to timely file a Legislative ER2 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative
REPORT:	ER2
REPORT DUE:	February 17, 2009
REPORT FILED:	January 20, 2010
DAYS LATE:	337
FEE ASSESSED:	\$500
ACTIVITY REPORTED:	Legislative = \$0
OTHER LATE FILINGS:	None

Mr. Jesse Barr filed his Legislative ER2 lobbying report that was due by February 17, 2009, 337 days late on January 20, 2010, he was assessed a \$500 late fee.

Mr. Barr states that he mailed in his report along with his check for his 2009 Legislative Registration on January 29, 2009. He has provided the staff with a copy of the report mailed in. (MDD)

Recommendations:

Waive the fine.

LOUISIANA BOARD OF ETHICS
ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

2010 FEB 24 AM 11:11

Jesse S. Barr
3000 Kilpatrick Blvd. Ste. 100
Monroe, LA 71201
Work: 318-398-0960

February 19, 2010

Louisiana Board of Ethics
Attn: Mr. Michael Dupree
P.O. Box 4368
Baton Rouge, LA 70821

Mr. Dupree:

I am in receipt of your letter dated February 2, 2010, indicating that you received my lobbying expense report for the second half of 2008 and imposing a fine of \$500. As stated in my earlier letter, I filed this report on time and do not understand why the Board of Ethics misplaced my lobbying expense report. As such, I am sending this letter within thirty days of the date of your letter and would like to request a waiver of the late filing fee.

As evidence that the report was filed on time, I will reiterate what was included in the earlier letter and enclose the same documentation. As noted at the top of the enclosed lobbying expense report, this report, it was originally mailed on January 29, 2009. I have a habit of writing the date mailed on these reports and have a file with prior reports showing the date mailed across the top. I would be happy to submit copies of these earlier reports but they go back many years. I would also note that these earlier reports were all filed in a timely manner.

I also know that the report was received by the Louisiana Board of Ethics because I also enclosed a \$110.00 check to register as a lobbyist in 2009 in the same envelope. It was not by coincidence that this check was also dated January 29, 2009, as shown by the enclosed copy of the check stub. This check was deposited by the Louisiana Board of Ethics, indicating that the envelope was received.

After I mailed the lobbyist registration fee for 2009, I decided that I no longer needed to register as a lobbyist and never completed the online registration. Therefore, this registration fee was refunded, as evidenced by the enclosed copy of the check from the State of Louisiana for the Account of the Louisiana Ethics Administration.

I contend that I mailed both the lobbying expenses report for the second half of 2008 and my lobbyist registration check on January 29, 2009. This was before the lobbying expense form was due on February 28, 2009. The Board of Ethics obviously received this package because the check was deposited and later returned. Based on this evidence, I do not believe that any late filing penalty is due and would request that all penalties be waived and this matter closed.

Cordially,


Jess Barr

mailed 1/29/09

LOBBYING EXPENDITURE REPORT

COVERING JANUARY 1 THROUGH JUNE 30, _____
DUE AUGUST 15

COVERING JULY 1 THROUGH DECEMBER 31, 2008
DUE FEBRUARY 15

892
Lobbyist's Registration Number

FOR OFFICE USE ONLY
Postmark Date: _____

Instructions

- Print in ink or type.
- Fill in Registration Number in spaces provided.
- Check the box that identifies which report is being filed and fill in the year that the report is covering in the space provided.
- Complete form and return to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808 (225) 763-8777 or (800) 842-6630.
- This form must be delivered or postmarked by the due date.
- This form may be faxed to (225) 763-8787.
- * The report covering July 1- Dec. 31 is a **cumulative report**. You must include information from the first half of the year.

1. Name Barr Jesse S.
Last First MI

2. Business Address 3000 Kilpatrick Blvd., Ste 100, Monroe, LA 71201
Street and No. City State Zip

Mailing Address same

3. Business Phone 318-398-0960
Area Code and Telephone Number

4. Total of all expenditures made January 1 through June 30: \$ 0
(Include expenditures from Schedules A and B)

5. Total of all expenditures made July 1 through December 31: \$ 0
(When Applicable) (Include expenditures from Schedules A and B)

6. Total of all expenditures made during calendar year: \$ 0
(Line 4 added with Line 5 should equal Line 6)

7. Did you make an expenditure exceeding \$50 on one occasion for any one legislator:

From January 1 through June 30? Yes No
From July 1 through December 31? Yes No NA

If the answer to either question in Number 7 above is YES, please complete Schedule A and attach.

892
Lobbyist's Registration Number

LOBBYING EXPENDITURE REPORT

8. Did you make expenditures exceeding the sum of \$250 for any one legislator:

From January 1 through June 30? Yes No
From July 1 through December 31? Yes No NA

If the answer to either question in Number 8 above is YES, please complete Schedule A and attach.

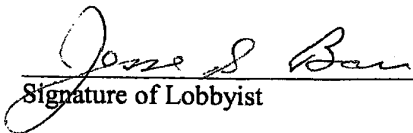
9. Did you expend funds for a reception, social gathering, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof were invited during this reporting period?

Yes No

If the answer to Number 9 above is YES, please complete Schedule B and attach.


CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.



Signature of Lobbyist

Confirmation Page



LOUISIANA BOARD OF ETHICS Lobbyist Online System

Home Registration Contact Us

Thank you for registering as a (Legislative/Executive) lobbyist with the Louisiana Ethics Administration Program.

In order to finalize your registration, within 10 business days of (today's date), please forward a check, made payable to the Louisiana Board of Ethics. The fee for registration is \$110.00 per branch. All checks are to be submitted to the following address:

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Upon receipt of your registration fees, you will receive via email an acknowledgment of completion of your registration. As such, please ensure that you add (our email address) to your list of "safe" e-mail addresses, receivable by your computer.

Additionally, please note that you are not fully registered as a lobbyist until the Ethics Administration Program is in receipt of your registration fee(s). If your check is mailed within 10 days of (today's date), your registration date will be considered (today's date).

If you fail to forward your registration fee(s) within 10 business days of (today's date), your registration will be considered invalid and you will not be registered as a lobbyist with the Ethics Administration Program.

LOUISIANA COTTON ASSOCIATION

11625

Louisiana Board of Ethics
5300 Dues & Subscriptions

1/29/2009

Registration for Jess Barr

110.00

Checking - Prog. Oper

110.00

PRODUCT LT104C USE WITH 8379 ENVELOPE

PRINTED IN U.S.A.

A

3

STATE OF LOUISIANA
DEPARTMENT OF THE TREASURY
FOR THE ACCOUNT OF
LOUISIANA ETHICS ADMINISTRATION
BATON ROUGE LOUISIANA
OPERATING ACCOUNT

HANCOCK BANK LOUISIANA
BATON ROUGE, LA
84-15/654

2094

8/31/2009

PAY TO THE ORDER OF Louisiana Cotton Association

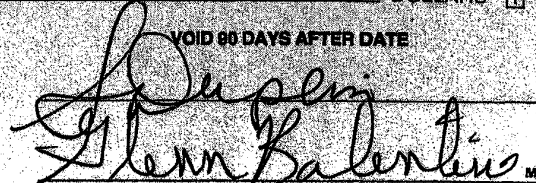
\$**110.00

One Hundred Ten and 00/100

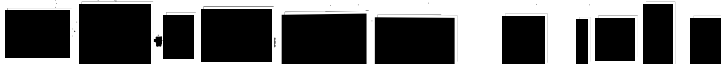
DOLLARS

Louisiana Cotton Association
c/o Jesse Barr

VOID 60 DAYS AFTER DATE



MEMO refund



STATE OF LOUISIANA / LOUISIANA ETHICS ADMINISTRATION

2094

Louisiana Cotton Association
Misc expense:Revenue Refund

8/31/2009

Registration Renewal fee
receipt #9290
02/03/09
refund - not a registered
lobbyist

110.00

es

Ethics Administration refund

110.00

General Item

Ethics Board Docket No. BD 2010-163 03/19/2010

RE:

Consideration of a request to waive a \$1,250 late fee assessed against Wardell R. Bourgeois for filing his amended personal financial disclosure statement 25 days late.

Relevant Statutory Provisions, Advisory Opinions:

1124.2.1

Comments:

TIER: 2.1

TYPE OF REPORT: 2009 Annual Report

DAYS LATE: 25

ASSESSED LATE FEE: \$1,250

OTHER LATE FILINGS: No

Mr. Bourgeois timely filed his annual personal financial disclosure statement. After review, it was determined that it was not in compliance. On August 3, 2009, Mr. Bourgeois was sent a Notice of Delinquency, which was received on August 10, 2009. The amended report was due on August 28, 2009 but was not received until September 22, 2009, 25 days late.

Mr. Bourgeois states that he is still half displaced from Katrina, which means his family resides in Houston and he travels back and forth to New Orleans. His mail is delivered to a post office box located in Houston and when he spends weeks at a time in New Orleans, he does not get his mail in a timely fashion. He states that as soon as he received the letter, he amended the report and filed it with the Board. Further, Mr. Bourgeois states that the imposition of this fine would create a financial hardship on his family. (TKM)

Recommendations:

Pursuant to the waiver guidelines, decline to waive.

2010-163 IM

Wardell R. Bourgeois
(Mailing Address)
2437 Bay Area Blvd., #248
Houston, TX 77058
504-508-6675

2009 NOV -4 PM 3:21
REGISTRATION
FINANCE
RECEIVED

October 27, 2009

Louisiana Board of Ethics
Mrs. Tracy Meyer,
Staff Attorney
P.O. Box 4368
Baton Rouge, LA 70821

Dear Mrs. Meyer,

Please consider this letter as a request for a waiver of late fees for my 2009 Personal Financial Disclosure Statement.

Let me start by saying that I do understand the importance of getting the financial disclosure statement submitted on time. To add, I would never intentionally cause harm to the New Orleans Regional Business Park, the board in which I volunteer countless hours to every year. Simply put, I volunteer as a commissioner because I love my city and my state. With that being said, the reason for the tardy submission is twofold.

First, as per a conversation with the president of the New Orleans Regional Business Park (Roy Mack), on May 15, 2009, I was under the impression that as of that day my financial statement was faxed and that I was in good standing.

Secondly, I am still half displaced from Hurricane Katrina. While my home in New Orleans is now renovated and I spend most of my time working in New Orleans, my family still lives in Houston, TX. As a result, I spend a lot of time going to and from Houston and New Orleans. The reason is, my daughter is in her eight grade year and we did not want to uproot her again before her graduation. And since the mail is still not reliable at my New Orleans East Home, all of our mail goes to a UPS post box in Houston. Because I spend weeks at a time in New Orleans, I got the letter late and was unaware that I was out of compliance and that I had missed the time line. However, as soon as I read the letter I faxed in the statement but at that time I was severely past due. The good news is, at the end of this school year my family and I will be back home, in New Orleans, and this kind of confusion will be in our past. With this fact, I can assure you that this will never happen again.

Lastly, while I understand that there is no excuse for delinquency, I pray your board will find leniency. As with all the expense that goes along with living in two states, this penalty would be devastating.

Sincerely,



Wardell R. Bourgeois

----- **MEMORANDUM** -----

TO: Louisiana Board of Ethics

FROM: Michael Dupree

DATE: March 4, 2010

RE: **Consideration of an amendment to the proposed rule concerning the food and drink limit in R.S. 42:1115.1.**

Section 1115.1 of the Code of Governmental Ethics prohibits persons from whom public servants are prohibited by LSA-R.S. 42:1111 or 1115(A) from receiving a thing of economic value, from giving public servants food, drink, or refreshment valued at more than \$50 per event to which food, drink, or refreshment is given. The total value of the food, drink, or refreshment given to a public servant at an event is not to exceed \$50 regardless of the number of persons subject to the statute who are giving food, drink, or refreshment to the public servant at the event.

In addition, the statute also mandates that the Louisiana Board of Ethics develop and promulgate a rule increasing the monetary limit on the receipt of food and drink by a public employee and public servant when there has been an increase in the unadjusted Consumer Price Index (CPI-U) for Food and Beverage as published by the United States Department of Labor, Bureau of Labor Statistics.

In 2008, the CPI-U for Food and Beverage was increased by 5.4%. As such, the value of food and drink which can be purchased for a public servant was raised to \$53 per event on July 1, 2009.

On March 1, 2010, the United States Department of Labor, Bureau of Labor Statistics, published, on its website, the averaged changes in 2009 to the unadjusted CPI-U for Food and Beverage. The CPI-U for Food and Beverage increased 1.9% from 2008-2009.

There are two plausible ways to calculate the statutory increase for the food and drink value limit contained in Section 1115.1. Section 1115.1C reads as follows:

Beginning on July 1, 2009, and on July first of each year thereafter, when there has been an increase in the unadjusted Consumer Price Index (CPI-U)(Food and Beverage) as published by the United States Department of Labor, Bureau of Labor Statistics in January each year, **the limit of fifty dollars for food, drink or refreshments provided in Subsections A and B of this Section shall be increased by the same percentage as the percentage by which that price index is increased.** The amount of the increase shall be rounded off to the nearest dollar. The food, drink,

or refreshment limit shall be adjusted by the Board of Ethics according to the Consumer Price Index (CPI-U)(Food and Beverage) and adopted and promulgated as a rule or regulation by the board in accordance with the provisions of R.S. 42:1134(A).

One possible way to calculate 2010's limitation on value of food purchased for a public servant is to calculate the increase from the statutory \$50 limit. Because the statutory language references the "fifty dollar" amount, it can be argued that the legislature intended that any increases from the previous year are nullified on July 1 of the following year, and a that a new value is calculated using the original \$50 amount contained in the statute added to whatever increase there is in the CPI-U for the preceding year.

Interpreting the statute in the manner above would lead to a decrease, from the previous year, on the value of food and drink purchased for a public servant per event. The calculation would be as follows: $50 \times .019 = .95$. Therefore, the amount of food to which a public servant could have purchased for him at an event, beginning July 1, 2010 would be \$51.

However, it is also plausible that the legislature intended the limitation to be increased off of the previous years increase. Such an interpretation would mean that the current \$53 value amount should be increased by the percentage by which that price index is increased. Therefore, the Board would promulgate a rule which increases the \$53 value amount by 1.9%.

The calculation to determine the increase is as follows: $53 \times .019 = 1.007$

Because the automatic increase is based on the CPI-U, which tracks the amount of, and whether the value of an item or service increases, it is consistent that the Legislature intended to provide that a public servant may, in the future, have a meal purchased for him, equal in value to that of \$50, which was the value for the meal at the time the statute was enacted.

Therefore, the staff recommends that the increase be calculated off of the increased amount used in 2009, and on July 1, 2010, the value of food and drink which can be purchased for a public servant should be raised \$1 to a value of \$54 per event.

Table 1A. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category and commodity and service group

(1982-84=100, unless otherwise noted)

Item and group	Annual average 2008	Annual average 2009	Percent change from 2008 to 2009
Expenditure category			
All items	215.303	214.537	-0.4
All items (1967=100)	644.951	642.658	-
Food and beverages	214.225	218.249	1.9
Food	214.106	217.955	1.8
Food at home	214.125	215.124	.5
Cereals and bakery products	244.853	252.567	3.2
Meats, poultry, fish, and eggs	204.653	203.805	-.4
Dairy and related products	210.396	197.013	-6.4
Fruits and vegetables	278.932	272.945	-2.1
Nonalcoholic beverages and beverage materials	160.045	163.034	1.9
Other food at home	184.166	191.220	3.8
Sugar and sweets	186.577	196.933	5.6
Fats and oils	196.751	201.224	2.3
Other foods	198.103	205.497	3.7
Other miscellaneous foods ¹	119.924	122.393	2.1
Food away from home	215.769	223.272	3.5
Other food away from home ¹	150.640	155.852	3.5
Alcoholic beverages	214.484	220.751	2.9
Housing	216.264	217.057	.4
Shelter	246.666	249.354	1.1
Rent of primary residence	243.271	248.812	2.3
Lodging away from home ¹	143.664	134.243	-6.6
Owners' equivalent rent of primary residence ^{2 3}	252.426	256.610	1.7
Tenants' and household insurance ¹	118.843	121.487	2.2
Fuels and utilities	220.018	210.696	-4.2
Household energy	200.808	188.113	-6.3
Fuel oil and other fuels	334.405	239.778	-28.3
Gas (piped) and electricity	202.212	193.563	-4.3
Water and sewer and trash collection services ¹	152.117	161.145	5.9
Household furnishings and operations	127.800	128.701	.7
Household operations ¹	147.542	150.265	1.8
Apparel	118.907	120.078	1.0
Men's and boys' apparel	113.032	113.628	.5
Women's and girls' apparel	107.460	108.091	.6
Infants' and toddlers' apparel	113.762	114.489	.6
Footwear	124.157	126.854	2.2
Transportation	195.549	179.252	-8.3
Private transportation	191.039	174.762	-8.5
New and used motor vehicles ¹	93.291	93.486	.2
New vehicles	134.194	135.623	1.1
Used cars and trucks	133.951	126.973	-5.2
Motor fuel	279.652	201.978	-27.8
Gasoline (all types)	277.457	201.555	-27.4
Motor vehicle parts and equipment	128.747	134.050	4.1
Motor vehicle maintenance and repair	233.859	243.337	4.1
Public transportation	250.549	236.348	-5.7
Medical care	364.065	375.613	3.2
Medical care commodities	296.045	305.108	3.1
Medical care services	384.943	397.299	3.2
Professional services	310.968	319.372	2.7
Hospital and related services	533.953	567.879	6.4

See footnotes at end of table.

MEMORANDUM

To: Board Members
From: Alesia M. Ardoin
Re: Summary of the U.S. Supreme Court decision in *Citizens United v. FEC*
Date: March 5, 2010

In January 2008, Citizens United, a non-profit corporation, released a documentary critical of Senator Hillary Clinton, a candidate for the Democratic's Party's Presidential nomination. Citizens United negotiated an arrangement to have the film available on video on demand within 30 days of the primary election. Generally video on demand is available to viewers who pay a fee; however, Citizens United wanted to pay to the cable company 1.2 million to make the film available for free to any interested viewer. Citizens United was concerned that making the film available on video on demand would be considered an "electioneering communication" under the Bipartisan Campaign Reform Act of 2002 (BCRA) and therefore, as a corporation, Citizens United would be prohibited from making the expenditure to the cable company and would subject itself to possible civil and criminal penalties under BCRA.

The Bipartisan Campaign Reform Act of 2002 (BCRA) was enacted in 2002 and it prohibited corporations and unions from using their general treasury funds to make independent expenditures for speech that is an "electioneering communication" or for speech that expressly advocates the election or defeat of a candidate. An "electioneering communication" is "any broadcast, cable, or satellite communication" that "refers to a clearly identified candidate for Federal office" and is made within 30 days of a primary election and that is "publicly distributed." The BCRA further requires that persons who make expenditures for "electioneering communications" file disclosure reports.

Citizens United filed suit in the District Court for the District of Columbia seeking a declaratory action that the applicable provisions of the BCRA that prohibit these independent expenditures are unconstitutional as applied to the film and further that the disclosure and reporting requirements under BCRA were unconstitutional as applied to the film. Citizens United also sought an injunction against the Federal Election Commission (FEC) to prohibit them from enforcing the provisions of BCRA as applied to the film. The District Court denied Citizens United an injunction and granted summary judgment in favor of the FEC relying on the Supreme Court's holding in *McConnell v. Federal Election Commission*, a 2003 decision that upheld limits on electioneering communications, basing its decision on the holding in *Austin v. Michigan Chamber of Commerce*, a 1990 decision concluding that political speech may be banned based on the speaker's corporate identity.

Citizens United appealed the decision of the District Court to the U.S. Supreme Court. Although Citizens United challenged the provisions of the BCRA as applied to the film *Hillary*, the Supreme Court after hearing initial arguments, ordered that the parties prepare briefs in connection with the continuing validity of the ban on corporate contributions. The Court reasoned that the making these determinations on a case-by-case basis and leaving important issues of law unresolved provided no guarantee to those who wanted to participate in the political process that their actions were in compliance with the law and that they would not subject themselves to civil and criminal penalties

as a result of their actions. The Court stated that requiring persons to contact the FEC prior to making these expenditures was the equivalent of an impermissible form of “prior restraint” which is the type of government practice that the First Amendment was designed to protect against.

The Court notes that in the 1971 decision of *Buckley v. Valeo*, the Supreme Court invalidated an expenditure ban which applied to individuals, corporations, and unions because it failed “to serve any substantial governmental interest in stemming the reality or appearance of corruption in the electoral process.” Then in 1990 the Court in *Austin v. Michigan Chamber of Commerce* upheld a corporate independent expenditure restriction by recognizing a new governmental interest in preventing “the corrosive and distorting effects of immense aggregations of corporate wealth.” The Court rejects and overrules the ban upheld in *Austin*. The Court found that the First Amendment stands against attempts to disfavor certain subjects or viewpoints. For those reasons, political speech must prevail against laws that would suppress it, whether by design or inadvertence. Laws that burden political speech are “subject to strict scrutiny” which requires that the restriction “furthers a compelling interest and is narrowly tailored to achieve that interest.” *Buckley v. Valeo*. The Court further states that what is also prohibited under the First Amendment are restrictions distinguishing among different speakers, allowing speech by some not others.

The Court finds that the “First Amendment protections do not depend upon the speaker’s financial ability to engage in public discussion.” Additionally the Court considers the exemption for media corporations under the BCRA and concludes that there is no basis for differential treatment of media corporations from other corporations. The Court then overrules *Austin* and *McConnell* and adopts the principles established in *Buckley* that the Government may not suppress political speech based on the speaker’s corporate identity. The Court finds that no sufficient governmental interest justifies limits on the political speech of nonprofit or for profit corporations. The Court holds that the prohibition on corporate expenditures is invalid and further that expenditure limits for corporate expenditures are invalid.

Then the Court looks at the issue of the reporting and disclosure requirements under BCRA. Once again the Board looks at the principles established in *Buckley* namely that disclaimer and disclosure requirements may burden the ability to speak, but they impose “no ceiling on campaign related activities” and do not “prevent any one from speaking.” The Court in *Buckley* found that there was a sufficient governmental interest of informing the electorate about contribution and spending sources justifies disclosure. As applied to *Citizens United* and the BCRA’s reporting requirements, the Court held that the disclosure requirements were valid as the film falls within BCRA’s “electioneering communication” definition.

There is little to no impact of the *Citizens United* decision on the Board’s regulation of the financing of campaigns. Louisiana’s Campaign Finance Disclosure Act does not contain any limitations on corporate expenditures with the exception of the prohibition of contributions from persons interested in riverboat gaming, and a very narrow prohibition on contributions for Insurance Commissioner from persons that provide services to Louisiana Citizens Property Insurance. The ban on contributions from persons interested in the gaming industry was challenged and upheld as applied to those in the Riverboat casino licensees but was struck down as applied to Video Draw Poker licensees. The Louisiana Supreme Court looked at the law and determined that it furthered a

government interest in stemming the history of corruption in the Riverboat casino industry in our State. *State Board of Ethics v. Penn.* The part of the decision that does impact Louisiana's campaign finance laws is the finding that the disclosure provisions are valid which further strengthens the validity of the disclosure provisions in the Campaign Finance Disclosure Act.
